

# HOUSE BILL No. 1179

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1.

**Synopsis:** Professional licensing. Allows specified professional licensing boards to conduct meetings using electronic communications if the requirements for an electronic public meeting are met. Allows the reinstatement of a professional license that was retired, inactive, or surrendered (inactive) if the applicant meets the requirements for a delinquent or lapsed license. Provides that the reinstatement law applies to all licenses that were inactive for more than three years. Requires, for purposes of the license reinstatement law, that each board make available a list of standards that require a personal appearance before the board. Adds nonhealth professions to the professions that an out-of-state applicant may use to apply for license under the general reciprocity law. Provides that if a board does not act on an application within one year for an applicant who holds a provisional license or provisional certificate under the reciprocity law, the professional licensing agency shall issue the applicant a license or certificate.

**Effective:** July 1, 2023.

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**Clere, Miller D, Zent, Fleming**

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January 10, 2023, read first time and referred to Committee on Government and Regulatory Reform.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-6.5-5 IS ADDED TO THE INDIANA CODE  
2 AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 5. A board may conduct a meeting electronically in**  
4 **accordance with the requirements set forth in IC 5-14-1.5-3.6.**  
5 SECTION 2. IC 25-1-8-6, AS AMENDED BY P.L.3-2014,  
6 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2023]: Sec. 6. (a) As used in this section, "board" means any  
8 of the entities described in IC 25-0.5-10.  
9 (b) This section does not apply to a license, certificate, or  
10 registration that has been:  
11 (1) revoked; ~~or~~  
12 (2) suspended; **or**  
13 (3) **surrendered when a complaint or investigation concerning**  
14 **professional conduct was pending.**  
15 (c) Notwithstanding any other law regarding the reinstatement of a  
16 **retired, inactive, surrendered,** delinquent, or lapsed license,  
17 certificate, or registration and except as provided in section 8 of this



chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less **retired, inactive, surrendered, delinquent, or lapsed** must be reinstated **by the licensing agency** upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a **retired, inactive, surrendered, delinquent, or lapsed** license, certificate, or registration and except as provided in section 8 of this chapter, ~~unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years;~~ the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years **retired, inactive, surrendered, delinquent, or lapsed** must be reinstated **by the licensing agency** upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule



that is not related to fees.

SECTION 3. IC 25-1-8-8, AS AMENDED BY P.L.78-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than one hundred twenty (120) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may **have violated standards adopted by the board under section 9 of this chapter** or be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the one hundred twenty (120) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement of the license and file a complaint under IC 25-1-7.

(4) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the one hundred twenty (120) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the one hundred twenty (120) day period expires without action by the board, the license, certificate, or registration shall be automatically



reinstated at the end of the one hundred twenty (120) day period.

(e) The board's reinstatement of a license, **certificate, or registration** does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after reinstatement of the license, **certificate, or registration**.

SECTION 4. IC 25-1-8-9 IS ADDED TO THE INDIANA CODE AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 9. Each board shall:**

(1) **make available on its website; and**

(2) **provide the licensing agency;**

**a list of standards, including any explicit crimes, that complies with the requirements under IC 25-1-1.1-6, that require a personal appearance before the board by the applicant.**

SECTION 5. IC 25-1-21-2, AS ADDED BY P.L.149-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. As used in this chapter, "board" means any of the entities described in IC 25-0.5-11 **and IC 25-0.5-12-1.**

SECTION 6. IC 25-1-21-7, AS ADDED BY P.L.149-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Notwithstanding any other law, an applicant for a license or certificate is entitled to a provisional license or provisional certificate in the occupation applied for and at the same practice level as determined by the board, without an examination, if all of the following conditions are met:

(1) The individual submits a signed affidavit affirming, under the penalties for perjury, the following:

(A) The individual is in good standing in all states and jurisdictions in which the individual holds a license or certificate for the occupation applied for.

(B) The individual has not had a license revoked and has not voluntarily surrendered a license in another state or jurisdiction while under investigation for unprofessional conduct.

(C) The individual has not had discipline imposed by the regulating agency for the occupation in another state or jurisdiction.

(D) The individual does not have a complaint or an investigation pending before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.

(2) The individual does not have a disqualifying criminal history, as determined by the board, if a national criminal history background check (as defined in IC 25-1-1.1-4) is required under



1 IC 25-1-1.1-4 for the occupation for which the applicant seeks a  
2 license or certificate.

3 (3) The individual submits verification that the individual is  
4 currently licensed or certified in at least one (1) other state or  
5 jurisdiction in the occupation applied for.

6 (4) The individual has submitted an application for a license or  
7 certificate under this chapter with the board and has paid any  
8 application fee.

9 (b) An applicant who has met the requirements in subsection (a)  
10 shall be issued a provisional license or provisional certificate **by the**  
11 **professional licensing agency** not more than thirty (30) days after the  
12 requirements are met.

13 (c) A provisional license or provisional certificate expires on the  
14 earlier of the following:

15 (1) Three hundred sixty-five (365) days after it is issued.

16 (2) The date on which the board approves and issues the  
17 individual a license or certificate for the occupation.

18 (3) The date on which the board denies the individual's  
19 application for a license or certificate for the occupation.

20 (d) In addition to any other penalties for perjury, an individual who  
21 violates this section commits a Class A infraction.

22 (e) If the board discovers that any of the information submitted  
23 under this section is false, the board may immediately revoke the  
24 individual's provisional license or provisional certificate.

25 (f) This section does not apply to a license or certificate that is  
26 established by or recognized through an interstate compact, a  
27 reciprocity agreement, or a comity agreement that is established by a  
28 board or a law.

29 (g) The board shall make a final decision on a license or certificate  
30 application before the expiration of a provisional license or provisional  
31 certificate issued under this section. **If the board does not make a**  
32 **final decision on a license or certificate application before the**  
33 **expiration of a provisional license or provisional certificate, the**  
34 **professional licensing agency shall issue the applicant a license or**  
35 **certificate for the occupation.**

